

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION**

MDL NO. 1456

THIS DOCUMENT RELATES TO:

State of Iowa v. Abbott Laboratories, et al.

CIVIL ACTION NO. 01-12257-PBS

Judge Patti B. Saris

**BAYER CORPORATION'S CONSENT MOTION FOR EXTENSION OF
TIME TO FILE ITS RESPONSE TO PLAINTIFF'S COMPLAINT**

Defendant Bayer Corporation (“Bayer”) respectfully submits this Consent Motion for Extension of Time to File Its Response to Plaintiff’s Complaint. In support of this Motion, Bayer states:

1. Counsel for Bayer is engaged in discussions with counsel for the State concerning the impact of the 2001 Settlement Agreement between the State and Bayer on the State’s claims in this case.
2. To aid these discussions, Bayer recently produced to the State pricing information concerning certain of its drugs.
3. Counsel for the State is currently reviewing this pricing data to determine whether it will voluntarily dismiss all or any portion of its claims against Bayer.
4. Under the Court’s Order of January 16, 2008, defendants are required to answer or otherwise plead by February 20, 2008.
5. Plaintiff’s counsel has agreed to defer Bayer’s obligation to answer or otherwise plead until 30 days after the State advises Bayer whether it will voluntarily dismiss all or any portion of the State’s claims against Bayer.

6. Bayer Corporation respectfully requests that the Court grant this Consent Motion and extend Bayer's deadline for responding to the Complaint until 30 days after the State advises Bayer whether it will voluntarily dismiss all or any portion of its claims against Bayer, but in no event later than May 1, 2008.

Dated: February 14, 2008

/s/ Richard D. Raskin

Richard D. Raskin

Michael Doss

SIDLEY AUSTIN LLP

One South Dearborn Street

Chicago, Illinois 60603

Counsel for Defendant Bayer Corporation

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2008, I caused a true and correct copy of Bayer's Consent Motion for Extension of Time to File Its Response to Plaintiff's Complaint to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 in MDL No. 1456.

/s/ Richard D. Raskin